

THE
 THOUGHTS
 OF A
 Church of ENGLAND
 DIVINE,

Upon those Words in an ACT
 made in King CHARLES II^d.
*Reign, That it was not Lawful upon
 any Pretence whatsoever to take up
 Arms against the King, &c.*

In a Letter to a Student at Oxford, who
 had some Doubts thereupon.

L O N D O N,

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THOUGHTS

OF A
Church of ENGLAND

DIVINE

Upon those Words in an ACT
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Reign, That a new Law should
any Person who should
show against the King &c.

to a Letter to a Student at Oxford, who
had some Doubts thereupon.

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Printed for S. Poulton, at the Raven in
Peter-street, near St. Dunstons Church.

THE THOUGHTS OF A

Church of *England* Divine, &c.

S I R,

IN the following Discourse I shall endeavour to prove, that the Resistance used at the Revolution was justifiable, notwithstanding the Act in King *Charles II.* Wherein are these Words; *That it is not lawful on any Pretence whatsoever to take up Arms against the King, &c.* Indeed it cannot be deny'd, but that these Words seem to suppose, that those who I swear to them, cannot believe it is lawful to take up Arms against the King's of *England*, howsoever they may behave themselves, nor by any opposition to hinder the overturning of the Laws and Government. We may well

acknowledge that Power to be unbounded, which it is not lawful to oppose by force of Arms ; now these Acts of Parliament declare, that it is not lawful to resist the King ; wherefore the King of *England* must be suppos'd an unlimited and absolute Monarch, and by consequence we must conclude, that the Government of *England* is wholly chang'd and destroy'd : So that whatsoever we have alleged in the foregoing Discourse, can only be made use of as a History of what is past, but not as a Rule or Precedent for what is to come.

This Conceit is so unreasonable, that it seems scarce worth the pains to stop at it ; however I shall endeavour in a few Words to satisfy you, and those who seem unwarily to be taken in the Snare, which the Malice of a Po——sh Court had laid.

You must know that the Fundamental Laws of any State, are of the Nature of Contracts, Pactions and Capitulations, which according to the common Opinion of Lawyers are irrevocable ; *Buxtorf. in Bull. aurea cap. 1. Sect. 7.* Whence it follows, That all Oaths that are taken against Capitulations of this Nature, may be Sins

to

to those who take them, but cannot oblige them, as being unlawful Oaths.

They cannot suppose that the Parliaments of King *Charles II.* did ever think of repealing these Fundamental Laws, without accusing the Members that compos'd them of having been Prevaricators and Betrayers of the Interest of their Country, by changing the limited Monarchy into a true Tyranny.

They cannot do this Injury to these illustrious Assemblies, without casting the same Blemish upon the Bishops in the House of Lords, during those Sessions of Parliament, and making them altogether odious either for their Stupidity, or for their Malice : For their Stupidity, if imprudently they gave their consent to Laws made on purpose to change the Kingly Government into Tyranny ; or for their Malice, if they wilfully betray'd the Interest of the State, though they knew well enough what must be the End and Aim of these Regulations. I desire these Gentlemen to make some Reflection on this Truth. Is it possible they should have no Consideration at all, either for the Reputation or Conscience of their Ancestors? They have shew'd

themselves so jealous of a Change in the Form of the Government, by making of a Successive State an Elective one; and yet they suppose, that the Parliament and the Bishops that sat in them, have in sport changed the Form of the Government, by making it of a limited Royalty to become an absolute and unbounded Monarchy.

They must needs accuse these Parliaments of a strange Folly; for these Gentlemen suppose, that the Disorders which then rul'd in the State, oblig'd the Parliament to restore K. *Charles II.* They suppose that the Anarchy and various Sects which had the upper hand before his recall, making wise Men not without cause to apprehend the Ruin of the Protestant Religion, as well as the Overthrow of the State, they thought themselves obliged to employ all their strength for restoring of the King, as supposing him a good Protestant, and a King whom his Adversities had made wise, in hopes of being governed by him according to the antient Laws of the Kingdom. And yet after this they will perswade us, That the Parliament thought it fit and reasonable to destroy the Nature of the Royalty in *England*, by making it Mistress

strels of the Laws, and authorizing it to destroy the Protestant Religion, whenever the Popish Faction should think fit to have it done.

They must accuse these Parliaments of the Commission of of a horrid piece of Imprudence, in attempting upon the Liberty of the People : For if this was indeed their Design, were they not obliged at the same time to repeal all the other Laws which restrain the Power of the King's of *England* ? For we know that a Law cannot be valid nor derogate from other Laws, except in the said Law express mention be made of the said Derogation, with a notwithstanding to the Reglements set down in other Laws that are in Authority on that Subject. *De Decimis c. nuper.* Ought not they also in like manner to have declared, and that very precisely too, that they dispensed King *Charles H.* from keeping his Coronation Oath ; and to have set down in very distinct Terms, that in case the King should think fit to call in an Army of *French* Dragoons to ravish their Wives and Daughters, and to force all his Subjects to change their Religion, they do

not think it lawful to take up Arms against him or them, to repel their Violence.

They are to take notice, that King *Charles II.* did never conceive that those Acts had changed the Government of the State. Do we not know that he offered to the Parliaments of *Westminster* and *Oxford*, to impose such Conditions on the Duke of *York*, as the Parliament should judge Necessary, provided only the Succession might be assured to him? Now could any thing be more Ridiculous and Extravagant than this Proposition of the King, had he believed that the Acts already past in his Favour, had given him and his Successors a Right to overturn all, without being able to be challenged or opposed by any one for so doing? They themselves did suppose the same thing, and went upon that Ground; what else could be their meaning in Crowning the late King *James II.* if they supposed that he was in full and rightful Possession of the Government by virtue of the Succession, without being obliged to take the Oaths, by which the King's of *England*

England oblige themselves to keep the
Laws of the State.

They ought to take notice, that they themselves suppos'd that the Fundamental Laws of the State were not abolish'd. I don't speak here of those loud Murmurs that were heard every where, when King *James II.* by an act of his Council, of his own Authority, rais'd the same Sums which had been granted to King *Charles II.* which he could not do without the Authority of Parliament; nor of the Complaints that were generally made when he turn'd out my Lord *Clarendon* from being Lord Deputy of *Ireland*, banish'd several Protestant Lords out of his Council, and put Papists into all Offices whether Civil or Military. I only take notice here of the Petition presented in the Name of the Clergy by the seven Bishops, upon occasion of reading the Declaration for Liberty of Conscience; for had they been of another Opinion, with what pretence of Reason could they have complain'd of K. *James II.* governing with an Arbitrary Power, and his dispensing with the Law? Why in their Petition did they alledge those Acts of Parliament which had condemn'd that Power in 1673, when King
Charles

Charles II. publish'd his Proclamation for Liberty of Conscience? Those Acts of theirs, upon this Supposal, could not be accounted of otherwise than as Acts of Rebellion; nor could they be made use of with a good Conscience, after they had been convinc'd that the fundamental Laws being repeal'd and abolish'd, they were now subject to an arbitrary and unbounded Government.

Indeed we cannot enough commend the Constancy of the Clergy, and those worthy Prelates who refused to read the Declaration of King *James* the Second for Liberty of Conscience; that Declaration being grounded upon the Power he attributed to himself of dispensing with the Laws. But on the other hand, neither can we imagin any more convincing Proof to make out that at that Time they did not conceive, any more than the whole State, who so generally applauded them, that they themselves, as well as the whole State, had cast themselves headlong into Slavery by their Oaths, because the Power of the Kings of *England* was become unbounded and arbitrary.

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In a word, how ample an Extent soever these Gentlemen may give to the Oath they have taken, in pursuance of an Act of Parliament in the 13th Year of Charles the Second, they must remember one thing that is always suppos'd, which is the natural Condition of all Oaths, *rebus sic stantibus, c. ad naturam*, Things continuing in the same State; for indeed as soon as Things have chang'd their Nature, or that Circumstances are alter'd; there remains no more Obligation in Cases where Exceptions are naturally suppos'd. I am bound to obey my Father in all things, this being what the Scripture expressly teacheth me; but I am not bound to obey him any farther than he acts like a Father, neither am I oblig'd to keep his Command of obeying him in all things, but only so far as the things enjoin'd by him are just and lawful. I am bound to obey the King according to the Laws; neither may I lawfully resist Him in his executing of the Laws, or upon any Pretext whatsoever take up Arms against him: But if instead of governing according to Law, he useth his utmost Endeavours to overthrow the Society, by destroying the Laws which
are

are the Band of it, then all the Oaths I have taken are no longer of any Force, 'tis my Right to endeavour to preserve the Society which he goes about to overthrow, and to oppose his Violence by taking up Arms against him, and to put a stop to the unjust Proceedings of a Prince who declares himself an Enemy to the State, by the ways which Providence affords me for my Security.

But if after all these Considerations these Gentlemen still maintain, that they have taken these Oaths in so strait a sense, that nothing is capable of satisfying their Consciences; we have great reason to be astonish'd, how it was possible that Men of so tender and delicate a Conscience could take such Oaths, which taken in their sense, do visibly overturn both the State and Religion. Indeed there is no need of any ones being a Prophet to make him conceive, that they were either oblig'd in Conscience to refuse the taking of such Oaths, and to fly to the end of the World rather than take them, than they are bound to keep them, with the hazard of the utter ruin of their native Country and their Religion; or see them per-
rish

rish without having any Power to defend them, as they are oblig'd by the Laws of Nature, and by all the Duties of the Society and Religion.

But to shew you that the most eminent Persons both in Church and State, had quite different Thoughts of the meaning of that Act, else they would not have Signed to the following Declaration, which I shall beg leave to add.

I am, Sir, &c.

The Declaration of the Lords Spiritual and Temporal in and about the Cities of London and Westminster, Assembled at Guild-Hall the 1th of December, 1688.

WE doubt not but the World believes, that in this great and dangerous Conjunction we are heartily and zealously concerned for the Protestant Religion, the Laws of the Land, and the Liberties and Properties of the Subject. And we did reasonably hope, that the King having issued out his Proclamation and Writs for a Free Parliament, we might have rested secure under the expectation of that Meeting: But his Majesty

' Majesty having withdrawn himself, and,
 ' as we apprehend, in order to his Depart-
 ' ure out of this Kingdom, by the pernicious
 ' Counsels of Persons ill-affected to
 ' our Nation and Religion, we cannot,
 ' without being wanting to our Duty, be
 ' silent under those Calamities, wherein
 ' the Popish Counsels, which so long pre-
 ' vailed, have miserably involved these
 ' Realms. We do therefore unanimously
 ' resolve to apply our selves to his High-
 ' ness the Prince of *Orange*, who with so
 ' great kindness to these Kingdoms, so
 ' vast expence, and so much hazard, hath
 ' undertaken, by endeavouring to procure
 ' a Free Parliament, to rescue us (with as
 ' little effusion of Christian Blood as pos-
 ' sible) from the imminent Dangers of Po-
 ' pery and Slavery.

' And we do hereby declare, That we
 ' will with our utmost Endeavours assist
 ' his Highness, in the obtaining such a
 ' Parliament with all speed, wherein our
 ' Laws, our Liberties and Properties may
 ' be secured, the Church of *England* in
 ' particular, with a due Liberty to Protes-
 ' tant Dissenters, and in general the Pro-
 ' testant Religion and Interest, over the
 ' whole World, may be supported and en-
 ' couraged,

‘ couraged, to the Glory of GOD, the
 ‘ Happiness of the Established Government
 ‘ in these Kingdoms, and the Advantage
 ‘ of all Princes and States in *Christendom*,
 ‘ that may be herein concerned.

‘ In the mean time we will endeavour
 ‘ to preserve, as much as in us lies, the
 ‘ Peace and Security of these great and po-
 ‘ pulous Cities of *London* and *Westmin-*
 ‘ *ster*, and the Parts adjacent, by taking
 ‘ care to disarm all Papists, and secure all
 ‘ Jesuits and Romish Priests, who are in
 ‘ or about the same,

‘ And if there be any thing more to be
 ‘ performed by Us, for promoting his
 ‘ Highness's Generous Intentions for the
 ‘ Publick Good, we shall be ready to do it
 ‘ as occasion requires.

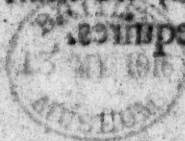
Signed—

<i>W. Cant.</i>	<i>Suffex.</i>	<i>P. Wharton.</i>
<i>T. Ebor.</i>	<i>Berkely.</i>	<i>North and Grey.</i>
<i>Pembroke.</i>	<i>Rocheſter.</i>	<i>Chandois.</i>
<i>Dorſet.</i>	<i>Newport.</i>	<i>Montague.</i>
<i>Mulgrave.</i>	<i>Weymouth.</i>	<i>T. Jernyn.</i>
<i>Thanet.</i>	<i>P. Wincheſter.</i>	<i>Vaughan Carbery.</i>
<i>Carlisle.</i>	<i>W. Aſapb.</i>	<i>Culpeper.</i>
<i>Craven.</i>	<i>F. Ely.</i>	<i>Crewe.</i>
<i>Ailesbury.</i>	<i>Tho. Roſen.</i>	<i>Oſulſton.</i>
<i>Burlington.</i>	<i>Tho. Petriburg.</i>	

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Highness's Generous Intentions for the
Publick Good, we shall be ready to do it
as occasion requires.



Signed —

W. Carr.	Justice.	R. Webster.
T. Hoar.	Berkely.	North and Gray.
P. Ambrose.	Reddick.	Chandler.
Dorset.	Weymouth.	Montague.
Margrave.	Weymouth.	T. Jerningham.
Thames.	P. Weymouth.	Weymouth.
Carr.	W. Weymouth.	Capehart.
Owen.	P. Weymouth.	Capehart.
Albany.	W. Weymouth.	Owen.
Barbington.	W. Weymouth.	Owen.